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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Steven M. Cischke, Esq. (State Bar # 125612) Law Offices of Rheuban & Gresen 15910 Ventura Boulevard, Suite 1610 Encino, CA 91436 TELEPHONE NO.: (818) 815-2727 FAX NO. (Optional): (818) 815-2737 E-MAIL ADDRESS (Optional): sc@rglawyers.com ATTORNEY FOR (Name): Christopher Lee Dunn, Plaintiff | | FOR COURT USE ONLY CITY ATTORNEY 2010 MAR 12 PM 4:44 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District | | |
| PLAINTIFF/PETITIONER: CHRISTOPHER LEE DUNN DEFENDANT/RESPONDENT: CITY OF BURBANK, et al. | | |
| APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE) | | |
| RE: Appeal filed on (date): February 8, 2010 | | Superior Court Case Number: BC 418792 Court of Appeal Case Number (if known): B222286 |
| Notice: Please read Information on Appeal Procedures for Unlimited Civil Cases (form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. | | |

RECORD OF THE DOCUMENTS FILED IN THE TRIAL COURT

1. I elect to use the following method of providing the Court of Appeal with a record of the documents filed in the trial court (check a, b, c, d, or e and fill in any required information):
- a. ☒ A clerk's transcript under rule 8.122 (You must check (1) or (2) and fill out the clerk's transcript section on page 2 of this form.)
- (1) ☒ I will pay the trial court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- (2) ☐ I am asking that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have attached the following document (check (a) or (b)):
- (a) ☐ An order granting a waiver of court fees and costs under rule 3.50 et seq.; or
- (b) ☐ An application for a waiver of court fees and costs under rule 3.50 et seq. (Use Application for Waiver of Court Fees and Costs (form FW-001) to prepare and file this application.)
- b. ☐ An appendix under rule 8.124.
- c. ☐ The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, Fourth, and Fifth Appellate Districts, permit parties to stipulate to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)
- d. ☐ An agreed statement under rule 8.134 (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)
- e. ☐ A settled statement under rule 8.137. (You must complete item 2b(3) below and attach to your proposed statement on appeal copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.137(b)(3).)

RECORD OF ORAL PROCEEDINGS IN THE TRIAL COURT

2. I elect to proceed:
- a. ☐ WITHOUT a record of the oral proceeding in the trial court. I understand that without a record of the oral proceeding in the trial court, the Court of Appeal will not be able to consider what was said during those proceedings in determining whether the trial court made an error.
- b. ☒ WITH the following record of the oral proceeding in the trial court:
- (1) ☒ A reporter's transcript under rule 8.130 (You must fill out the reporter's transcript section on page 3 of this form.)
- (2) ☐ An agreed statement (Check and complete either (a) or (b) below.)
- (a) ☐ I have attached an agreed statement to this notice.
- (b) ☐ All the parties have agreed in writing (stipulated) to try to agree on a statement. (You must attach a copy of this stipulation to this notice.) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.
- (3) ☐ A settled statement under rule 8.137 (You must attach the motion required under rule 8.137(a) to this form.)

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CASE NAME: Dunn v. City of Burbank, et al.

CASE NUMBER: BC 418792

NOTICE DESIGNATING CLERK'S TRANSCRIPT

You must complete this section if you checked item 1.a. above indicating that you elect to use a clerk's transcript as the record of the documents filed in the trial court.

3. **Required documents.** The clerk will automatically include the following items in the clerk's transcript:

- a. Notice of appeal
- b. Notice designating record on appeal (*this document*)
- c. Judgment or order appealed from
- d. Notice of entry of judgment (*if any*)
- e. Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (*if any*)
- f. Ruling on one or more of the items listed in e.
- g. Register of actions or docket

4. **Additional documents.** If you want any documents from the trial court proceeding in addition to the items listed above to be included in the clerk's transcript, you must identify those documents here.

I would like the clerk to include in the transcript the following documents from the trial court proceeding (You must identify each document you want included by its title and provide the date it was filed, if you know it.):

| Document Title and Description | Date of Filing |
|--------------------------------------------------------------|------------------|
| h. Order Granting Special Motion to Strike | November 6, 2009 |
| i. Objection Document to Supplemental Declaration | October 6, 2009 |
| j. Reply to Motion to Opposition to Special Motion to Strike | October 1, 2009 |

☒ See additional pages

5. **Exhibits to be included in clerk's transcript.** I would like the clerk to include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the trial court (for each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit and indicate whether or not the court admitted the exhibit into evidence):

| Exhibit Number | Description | Admitted (Yes/No) |
|----------------|-------------|-------------------|
| a. | | |
| b. | | |
| c. | | |

☐ See additional pages

6. **Record of administrative proceeding to be transmitted to the reviewing court.** I would like the clerk to transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the trial court (give the title and date or dates of the administrative proceeding):

| Title of Administrative Proceeding | Date or Dates |
|------------------------------------|---------------|
|------------------------------------|---------------|

CASE NAME:

Dunn v. City of Burbank, et al.

CASE NUMBER:

BC 418792

NOTICE DESIGNATING REPORTER'S TRANSCRIPT

You must complete this section if you checked item 2b(1) above indicating that you elect to use a reporter's transcript as the record of the oral proceedings in the trial court. Please remember that you must pay for the cost of preparing the reporter's transcript.

7. ☐ I request that the reporter(s) provide my copy of the reporter's transcript in computer-readable format. (Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)
8. ☒ **Proceedings.** I would like the following proceedings in the trial court to be included in the reporter's transcript (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—and, if you know it, the name of the court reporter who recorded the proceedings.):

| Date | Department | Full/Partial Day | Description of Proceedings | Reporter's Name |
|------------------|------------|------------------|------------------------------------|-----------------|
| a. 10/08/2009 40 | | Partial | Demurrer; Special Motion to Strike | |
| b. | | | | |
| c. | | | | |
| d. | | | | |
| e. | | | | |
| f. | | | | |
| g. | | | | |
| h. | | | | |
| i. | | | | |
| j. | | | | |

☐ See additional pages

Date: March 10, 2010

Steven M. Cischke, Esq.

(TYPE OR PRINT NAME)

► Steven M. Cischke

(SIGNATURE OF APPELLANT OR ATTORNEY)

Attachment

Attachment 4

Document Title and Description: Supplemental Declaration of Kristin A. Pelletier and Request for Judicial Notice

Date of Filing: October 1, 2009

Document Title and Description: Request for Judicial Notice in Support of Opposition to Special Motion to Strike

Date of Filing: September 25, 2009

Document Title and Description: Declaration of Solomon E. Gresen and Christopher Dunn in Support of Opposition to Motion to Strike

Date of Filing: September 25, 2009

Document Title and Description: Opposition to Special Motion to Strike

Date of Filing: September 25, 2009

Document Title and Description: Special Motion to Strike

Date of Filing: August 28, 2009

Document Title and Description: Declaration of Kristin Pelletier in Support of Special Motion to Strike

Date of Filing: August 28, 2009

Document Title and Description: Supplemental Declaration In Support of Special Motion to Strike

Date of Filing: August 28, 2009

Document Title and Description: Declaration of Carol Humiston In Support of Motion to Strike

Date of Filing: August 28, 2009

Document Title and Description: Request for Judicial Notice In Support of Special Motion to Strike

Date of Filing: August 28, 2009

Document Title and Description: Complaint

Date of Filing: July 28, 2009

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles. I am over the age of eighteen and am not a party
4 to the within action. My business address is 15910 Ventura Boulevard, Suite 1610, Encino, California
91436.

5 On March 10, 2010, I served a copy of the following document described as :
6 (1) Appellant's Notice Designating Record on Appeal (Unlimited Civil Case) on the interested
parties in this action as follows:

7 Carol Ann Humiston
8 Senior Assistant City Attorney
9 Office of the City Attorney
275 East Olive Avenue,
Burbank, California 91510-6459
Facsimile: (818) 238-5724
Email: chumiston@ci.burbank.ca.us

Kristin A. Pelletier, Esq.
Burke, Williams & Sorensen, LLP
444 South Flower Street, Suite 2400
Los Angeles, California 90071
Facsimile: (213) 236-2700
Email: chumiston@ci.burbank.ca.us

11 XX **BY MAIL:** By placing a true copy thereof enclosed in a sealed envelope(s) addressed as
12 above, and placing each for collection and mailing on that date following ordinary business
13 practices. I am "readily familiar" with this business's practice for collecting and processing
14 correspondence for mailing. On the same day that correspondence is placed for collection
and mailing, it is deposited in the ordinary course of business with the U.S. mail Postal
Service in Los Angeles, California, in a sealed envelope with postage fully prepaid.

15 **BY FACSIMILE:** Based on an agreement of the parties to accept service by facsimile
transmission, I faxed the documents to the person(s) at the facsimile numbers listed above.
16 The telephone number of the sending facsimile machine is (818) 815-2737. The sending
facsimile machine issued a transmission report confirming that the transmission was
17 complete and without error. A copy of that report showing the time of service is attached.

18 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an
agreement of the parties to accept service by e-mail or electronic transmission, I caused the
19 documents to be sent to the person(s) at the e-mail address listed above. My electronic
notification address is dj@rglawyers.com. I did not receive, within a reasonable time after
20 the transmission, any electronic message or other indication that the transmission was
unsuccessful. A copy of the electronic transmission showing the time of service is attached.

21
22 XX **STATE:** I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

23 EXECUTED on March 10, 2010, at Encino, California.

24
25 Daphne Johnson
26
27
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